



TSHIPING

Water User Association

TRANSFORMATION PLAN

***REDRESSING PAST INEQUALITIES THROUGH
TRANSFORMATION***

Policy Document:

2014

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1. Introduction

The transformation plan sets out the manner in which the Tshiping Water User Association (TWUA) undertakes initiatives to perform in terms of the transformation ideals of the Department of Water Affairs. Transformation Performance Indicators, outlined in its Constitution, form the basis of the reporting on these initiatives in the business plan.

2. Scope of this document

The transformation of WUA to broaden participation of all water users, including emerging farmers and other HDIs, presents the following criteria:

- Race and gender representivity needs to representative within the Management Committee;
- Water allocation to emerging farmers and how the TWUA can support initiatives in the area of operation. This will be done by allocating funds towards Manco identified projects;
- Due to the fact that the TWUA having neither the funds nor the resources to build the capacity of emerging farmers and other HDIs, the WUA can at present only provide limited funds and technical advice towards certain aspects of transformation.
- This situation may change with the billing and implementing agent agreements being negotiated.

3. Purpose of this document

As the title indicates, the central goal of this document is to clarify policy with respect to the transformation of past inequalities through the TWUA.

Three sets of needs triggered its emergence:

- a) The need to answer the question how the WUA can be used in transformation. This includes the question of how the TWUA fit into the broader context of WUA management;
- b) The need for policy support from the regional offices in terms of criteria for the operation of the WUA. This includes clarification of the minimum requirements for WUA constitutions and business plans;
- c) The need for clarification of the nature of support provision in the realm of capacity building, awareness raising and skills transfer within the WUA towards transformation.

Broadly speaking, these three groups of needs focus on the support that is required to ensure the continued operation of the WUA to provide the goals of transformation.

4. TRANSFORMATION

The TWUA addresses these Transformation Performance indicators / key result areas as follows:

4.1 Representivity

Current Representivity of the Tshiping Manco for 2014/2015

Constitutional Categories	MALE		FEMALE		Disabled	TOTAL
	Black	White	Black	White		
Irrigation		1				
General farming		2		1		
Mining	2			1		
Industry				1		
Individual Domestic Users			1			
Emerging farmers	1					
Local Government	1		1			
Bulk Service Providers	1					
TOTAL	5	3	2	3		13/14

Representivity by Black – 50.0%, and White – 42.9% = 92.9%

Representivity by Male – 57.1% and Female – 35.7% = 92.8%

In the case of the Mining, Bulk Services and Local Government sectors, the Manco is dependent on the representivity, as nominated by these sectors.

These sectors only represent 50.0% of the Manco

- Irrigation - No known HDI component.
- General Farming - As nominated by Agriculture on the General Meeting
- Industry - As nominated on the General Meeting

These sectors represent 35.7% of the Manco

Individual Domestic Users - Represented by HDI

Emerging Farmers - Represented by HDI

These sectors represent 14.3% of the Manco

Target Representivity of the Tshiping Manco for 2015/2016

Constitutional Categories	MALE		FEMALE		Disabled	TOTAL
	Black	White	Black	White		
Irrigation		1				
General farming		2		1		
Mining	1		2			
Industry				1		
Individual Domestic Users			1			
Emerging farmers	1					
Local Government	1		2			
Bulk Service Providers	1					
TOTAL	4	3	5	2		14

Representivity by Black – 64.3%, and White – 35.7% = 100%

Representivity by Male – 50.0% and Female – 50.0% = 100%

4.1.1 Management Committee

4.1.1.1 The Management Committee for the area of operation of the Association as a whole consists of fourteen [14] members and is comprised as follows-

- (a) Irrigation: one [1] person elected as member of the Management Committee by voters on the voter's list for the area of operation as set out in Annexure 2 of this constitution
- (b) General Farming: three [3] persons elected as members of the Management Committee by voters on the voter's list for the area of operation as set out in Annexure 2 of this constitution
- (c) Mining: three [3] persons elected as member of the Management Committee by voters on the voter's list for the area of operation as set out in Annexure 2 of this constitution
- (d) Industries: one [1] person elected as member of the Management Committee by voters on the voter's list for the area of operation as set out in Annexure 2 of this constitution
- (e) Emerging Farmers: one [1] person nominated as member of the Management Committee by members of this category for the area of operation and whom are residing on properties within the area of operation as set out in Annexure 2 of this constitution
- (f) Domestic Users: one [1] person nominated as member of the Management Committee by members of this category for the area of operation and whom are residing on properties within the area of operation as set out in Annexure 2 of this constitution
- (g) Local Authority: one [1] person/proxy nominated as member of the Management Committee by the Council of Gamagara Local Municipality, one [1] person/proxy nominated as member of the Management Committee by the Council of Tsantsabane Local Municipality and one [1] person/proxy nominated as member of the Management Committee by the Council of Siyanda District Municipality
- (h) Bulk Services Providers: one [1] person/proxy nominated by Sedibeng Water as member of the Management Committee.

Provided that the elected members for the sub-areas [if applicable] may be charged by the Management Committee with specific operational aspects related to the taking of water within the area of responsibility of the sub-areas and may for that purpose function as a Management Committee for the sub-area with the right to co-opt any of the nominated members on the Management Committee of the Association as a whole, should their interest be at stake.

4.1.1.2 Nominations referred to in item 4.1.1.1 above, as Domestic Users and Emerging Farmers may, should the interest group prefer it, be preceded by an internal election based on one vote per member.

4.1.1.3 Nominations referred to in item 4.1.1.1 above, as Local Authorities and Bulk Services Providers must be done by means of council resolution on an annual basis and in writing communicated to the Management Committee.

4.1.1.4 Elected members referred to in item 4.1.1.1 as Irrigation, General Farming, Mining and Industries, subject to disqualifications contemplated in item 11 of the constitution, are appointed for a fixed term of three years.

If in any case –

- (i) no poll is required because the nomination received were not greater than the number of members to be elected; or
- (ii) two or more candidates have received an equal number of votes, the respective periods of office of the members will be determined by lot under supervision of the returning officer.

4.1.1.5 The term of the nominated members referred to as Domestic Users and Emerging Farmers is for a period of one year, subject to nomination for further terms of one year each, limited to a maximum of three consecutive terms.

4.1.1.6 If a vacancy occurs in the Management Committee, the vacancy must be filled according to this item: Provided that the member must be elected or, where applicable, nominated for a period equal to the remainder of the period for which the member who has vacated the office would otherwise have continued in office.

4.1.1.7 At least 30 days' notice (by way of writing and acceptable electronic communication means) of an election must be given to all members of the Association concerned.

4.1.1.8 All members of the Management Committee can participate in full in respect of decisions on water management matters and the financing thereof. However only members that have an interest in particular matter can participate and vote in respect of decisions relevant to those matters. The chairperson of the Management Committee shall decide if a member has the right to vote in respect of a particular matter.

4.1.1.9 The Association subscribes to the requirement set out in section 2 of the Act in respect of ensuring appropriate community, racial and gender representation and commits itself to promoting the implementation thereof to the extent that the Association is practicably able to do so.

4.1.1.10 Should, after an election or nomination process, the composition of the Management Committee result in no representation for a particular gender or race on the Management Committee, the Chairperson must request all members of the Association and the interest groups to, within 21 days after notice, nominate persons of that gender or race who have agreed thereto and who need not be members of the association or water users, to serve on the Management Committee of the Association, provided that they have an interest in water use in the area. The Chairperson must after expiry of the nomination period select, by lot, one of the nominees for a term of one year.

4.1.2 Appointment of Employees

The Management Committee may employ such persons, as it considers necessary to perform the Association's functions under this constitution.

4.1.2.1 The appointment of employees or any change in their conditions of service must be approved by resolution of the Management Committee.

4.1.2.2 All employees of the Association will remain in office despite any change in the composition and membership of the Management Committee.

4.1.2.3 The WUA will outline transformation performance indicators in its business plan. Specific key result areas should include representivity in the composition of the Management Committee and appointment of employees.

4.1.2.4 The WUA is committed to comply with, amongst others, the following relevant employment legislation (or amendments, where applicable):

- Employment Equity Act, 1998 (Act 55 of 1998)
- Basic Conditions of Employment Act, 1997 (Act 75 of 1997)
- Labour Relations Act, 1995 (Act 66 of 1995)
- Skills Development Act, 1998 (Act 97 of 1998)
- Preferential Procurement Policy Framework Act, 2000 (Act 5 of 2000)

4.1.2.5 The Association is will follow Ministerial guidelines in regard of redressing past imbalances with regard to management of lawful water rights.

4.2 Skills Development

Skills disparities existing in farming communities must be addressed. The WUA must comply with the Skills Development Act 97 of 1998, and the business plan will include:

- The involvement and capacitating of members of the association and local communities, from a historically disadvantaged background, to advance their participation, so that they will be able to make a meaningful contribution to the WUA.

The skills development strategy of the association:

The Association is not required to register for skills development at this time.

4.3 Redressing Inequalities

The constitution of the WUA was approved in accordance of the National Water Act of 1998 (Act 36 of 1998).

South African history is fraught with a number of inequalities in relation to water allocation.

The business plan of TWUA gives indication to the following:

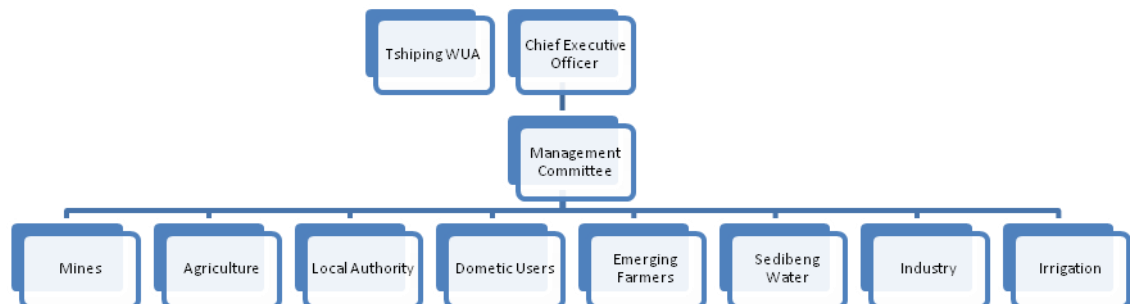
- The WUA is not in the business of supplying and providing water and has no influence in the distribution of water in the area of operation. Water distribution is managed by local municipalities and Sedibeng Water, by means of municipal infrastructure and the Vaal Gamagara Pipeline.
- The WUA does not have a strategy on assisting HDI farmers with internal water distribution infrastructure and management, but project identification is taking place on how the TWUA can assist in local HDI communities on water distribution.
- The same strategy, as on distribution, is applied for developing and supplying water to the poor, especially for food security.

4.4 Employment and Labour Conditions

Procedural requirements for the appointment of employees of the association, when required, will comply with the Basic Conditions of Employment Act 75 of 1997 and the Labour Relations Act 66 of 1995.

The business plan sets out a human resources plan, which provides an indication of the current and future human resources capacity of the WUA and an overview of compliance with labour legislation. The human resources plan contains the following information:

- Current organizational structure



- The WUA is only employing one employee at this time; the CEO. The CEO is making use of an Administrative assistant to manage the affairs of the TWUA.
- At a time necessary, the WUA will give approach to human resource development, including details of policies to comply with relevant legislation, demographics of staff, and transformation and employment equity plans.

4.5 Procurement

The Preferential Procurement Policy was developed and approved by the Manco in accordance with the Preferential Procurement Policy Framework Act 5 of 2000.

The TWUA is making use of specialist consultants at this time regarding the building and development of the Water Resource Information Management System.

At a time when procurement is required for localized services, attention will be given to the training of members and other persons from HD communities to enable them to participate in the procurement needs of the association, as contractors for the supply of goods and services. The business plan includes the WUA's procurement policy.

As per above paragraph:

- no financial targets to the capacitating of HDI personnel has been set;
- an outline of the general training requirements of members and persons from HD communities to capacitate them in the provision of goods and services required by the WUA, will be drafted, when required;
- a strategy on how this training will be made possible will be drafted when required.

4.6 Monitoring

The Business Plan serves as a performance management tool that can be used by the Minister of Water Affairs, the Portfolio Committee of the Minister and members of the WUA to monitor the performance of MANCO of the Tshiping WUA.

Similarly, the Business Plan and the continuous implementation thereof will provide all stakeholders to determine whether the TWUA is indeed fulfilling the functions delegated to it by the Minister.

With the regard to the TWUA staff, the Management System allows for annual performance evaluation of the CEO whilst the job description will be re-evaluated every four years.

EFFECTIVE DATE:

This policy has been approved by the requisite majority of the members at a Manco meeting held on -

Dated at _____ this _____ day of _____
2014.

Manco – Chairperson

CEO